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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q65504

Thierry PATUREAUX

Appln. No.: 09/890,206

Group Art Unit: 1725

Confirmation No.: 7563

Examiner: Jonathan J. JOHNSON

Filed: December 31, 2001

For: METHOD AND DEVICE FOR FACILITATING THE FILLING OF VERTICAL TUBES
WITH THE AID OF A PARTICULATE MATERIAL

RESPONSE UNDER 37 C.F.R. § 1.111

MAIL STOP NON-FEE AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Please consider the remarks below in response to the Office Action mailed June 24, 2004.

Claims 1-13 are all the claims pending in the application.

Applicant affirms the election of Group II, Claims 4-13, and Species II, Claims 6-9.

The Office Action contains a single rejection, which is presented at page 4 therein. Specifically, Claims 4 and 6-9 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 3,608,751 to Hundtofte ("US '751") in view of Ryntveit's EP 548 999 ("EP '999").

Applicant respectfully traverses. For at least any one of the following three reasons, the inventions of Claims 4 and 6-9 are not rendered obvious by the combination of US '751 and EP '999.

First, US '751 and EP '999 both fail to disclose or suggest a device with obstacles "taking up at least 80% of the lateral section of the tube."

At page 4 of the Action, the Examiner asserts: